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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

C.A.J.

F.E.R.A. No. 33 of 2006

Director of Enforcement ... Appellant

Versus

Shri. Bomi Ayrton ... Respondent

ALONGWITH
F.E.R.A. NO. 39 OF 2006

Director of Enforcement ... Appellant

Versus

M/s. Mackinnon Travels Services ... Respondents

Mr. R.V. Desai with Mrs. Shehnaz V. Bharucha and Mr. A.S. Rao i/by Mr. T.C. Kaushik for Appellant.

Mr. Rohit Kapadia with Mr. P.D. Ghandy with Ms. Samidha Vedpathak i/by M/s. Maneksha adn Sethna for Respondents.

CORAM: F.I. REBELLO &
J.P.DEVADHAR, JJ.
DATED: AUGUST 10, 2007

P.C.:

. These two appeals correspond to Appeal Nos. 215/99 and 221/99 before the Appellate authority. The respondens here were imposed penalty for contravention of the provisions of Section 9(1)(c) of the FERA Act. Aggrieved they preferred the appeals. The learned tribunal relied on the notification issued by the Reserve Bank of India in exercise of its powers under sub section (1) of

section 29 of the FERA Act. By that notification, the foreign companies which are not incorporated in India and which do not have branch were permitted to carry out business through local agents and carry out business activities for transportation of goods, passengers and collection of freight charges and fares subject to other provisions of the Act. The other provisions of the Act would require that before the foreign exchange is transmitted, permission of the R.B.I. is required. In the instant case, the learned tribunal has also so recorded.

. In our opinion, there is no perversity in so far as the findings recorded by the learned tribunal are concerned. We do not find that there is any error of law, warranting interference by this court. Hence, two both the appeals along with corresponding civil applications dismissed.

(J.P.DEVADHAR, J.) **(F.I.REBELLO, J.)**